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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Natural Resources...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2013)

Assembly

Record of Committee Proceedings

Committee on Natural Resources

Assembly Bill 35

Relating to: culling of bass in a fishing tournament.

By Representatives Kleefisch, Bies, Mursau, Strachota, Rivard, Endsley, Nygren, Tranel, Ripp, Brooks, T. Larson, Kuglitsch, Thiesfeldt, Litjens, Vos, August, Pridemore, Honadel, Van Roy and Jacque; cosponsored by Senators Moulton and Lazich.

February 28, 2011 Referred to Committee on Natural Resources.

March 30, 2011 **PUBLIC HEARING HELD**

Present: (15) Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, J. Ott, Severson, Steineke, Tiffany, Mason, Molepske Jr, Danou, Clark, Milroy and Hulsey.

Absent: (0) None.

Excused: (0) None.

Appearances For

- Joel Kleefisch, Madison — Representatqive, 38th Assembly District
- Aaron David, Watertown — C&R Bass Anglers
- Brad Lemke, Watertown — Wisconsin Bass Federation
- Dan Brovaarne, Wauwatosa — Wisconsin Bass Federation
- Robert Cartlidge, Ponca City — The Bass Federtation
- Mike Hofmann, Westron — The Bass Federation
- Noreen Clough, Celebration — B.A.S.S., Llc
- Kevin Manser, Oconomowoc — Wisconsin Alliance of Bass Tournament Anglers
- Ryan Chuckel, Nashotah — Wisconsin Association of Bass Tournament Anglers
- Tom Bowler, Prairie du Chien — Iowa Bass Federation

Appearances Against

- Ed Harvey, Madison — Wisconsin Conservation Congress
- George Meyer, Madison — Wisconsin Wildlife Federation
- Michael Arrowood, Oakfield
- Bob Haase, Eldorado

Appearances for Information Only

- None.

Registrations For

- Wendy Fassbind, Cottage Grove
- Kevin Fassbind, Cottage Grove
- Lynda Hofmann, Schofield — The Bass Federation
- Amy Bliss, Cottage Grove
- Logan Bliss, Cottage Grove
- David Fleming, Elkhorn
- Brad Bliss, Cottage Grove

Registrations Against

- Molli McDonald, Madison

Registrations for Information Only

- None.

April 6, 2011

EXECUTIVE SESSION HELD

Present: (15) Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, J. Ott, Severson, Steineke, Tiffany, Mason, Molepske Jr, Danou, Clark, Milroy and Hulsey.

Absent: (0) None.

Excused: (0) None.

Moved by Representative Mursau, seconded by Representative Rivard that **Assembly Amendment 1** be recommended for introduction.

Ayes: (15) Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, J. Ott, Severson, Steineke, Tiffany, Mason, Molepske Jr, Danou, Clark, Milroy and Hulsey.

Noes: (0) None.

**INTRODUCTION OF ASSEMBLY AMENDMENT 1
RECOMMENDED, Ayes 15, Noes 0**

Moved by Representative Kleefisch, seconded by Representative Rivard that **Assembly Amendment 1** be recommended for adoption.

Ayes: (14) Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, J. Ott, Severson, Steineke, Tiffany, Mason, Molepske Jr, Clark, Milroy and Hulsey.

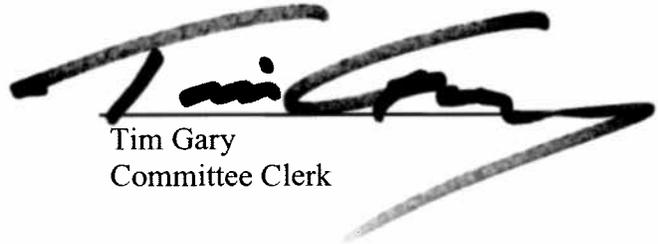
Noes: (0) None.
Absent: (1) Representative Danou.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,
Ayes 14, Noes 0

Moved by Representative Kleefisch, seconded by Representative Rivard that **Assembly Bill 35** be recommended for passage as amended.

Ayes: (10) Representatives Mursau, Rivard, Williams,
Kleefisch, Nerison, J. Ott, Severson,
Steineke, Tiffany, Clark.
Noes: (4) Representatives Mason, Molepske Jr, Milroy
and Hulsey.
Absent: (1) Representative Danou.

PASSAGE AS AMENDED RECOMMENDED, Ayes 10, Noes 4



Tim Gary
Committee Clerk

Vote Record Committee on Natural Resources

Date: 4-6-2011

Moved by: Kleefisch Seconded by: Rivard

AB 35 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Jeffrey Mursau, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Roger Rivard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jim Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Erik Severson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jim Steineke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Thomas Tiffany	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Cory Mason	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Chris Danou	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Fred Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Nick Milroy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Brett Hulsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>15</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

Vote Record Committee on Natural Resources

Date: 4-6-2011
 Moved by: Kleefisch Seconded by: Rivard

AB 35 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

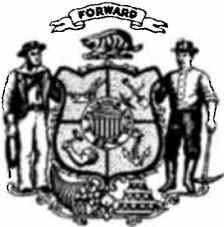
- By recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Jeffrey Mursau, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Roger Rivard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jim Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Erik Severson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jim Steineke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Thomas Tiffany	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Cory Mason	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske Jr	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Chris Danou	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Fred Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Nick Milroy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Brett Hulsey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>4</u>	<u>1</u>	_____

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE



17

TESTIMONY
BEFORE THE WISCONSIN LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
March 30, 2011

Regarding Assembly Bill 35: Culling of bass in a fishing tournament

**Testifying on Behalf of B.A.S.S., LLC: Noreen Clough, B.A.S.S. National Conservation Director
(noreen.k.clough@bassmaster.com)**

Chairman Mursau, Representative Kleefish and others, thank you for holding this public hearing on Assembly Bill 35, a proposed change to allow the culling of bass in fishing tournaments.

I commend you, Mr. Kleefish, and all co-sponsors for taking on a legislative change that has for too long been the subject of controversy and contention between Wisconsin fishery managers and competitive bass tournament anglers.

As you might suspect, B.A.S.S. at the national level is very much in support of this proposal to allow culling. In fact, this is the second time in the last several years that I, myself, have testified before your legislature on culling in bass tournaments. I am here to represent the more than 500,000 B.A.S.S. members nationwide, the 9000 B.A.S.S. members in Wisconsin, the 100 B.A.S.S. Elite Pro Anglers, and the hundreds of competitive anglers who fish the B.A.S.S. Open tournament trails.

According to the Wisconsin Department of Natural Resources' website, one-third of Wisconsin's citizens fish, representing some of the highest rates in the United States. You have 14 million anglers that annually catch 88 million fish, keep 33 million of all kinds, and release the rest.

Licensed anglers pay for the privilege to fish. Those license fees go directly to support state fisheries management. The proceeds from excise taxes on fishing tackle and equipment, motorboat fuel, and import duties on recreational boats and fishing equipment are collected for sportfish restoration programs operating under the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777) administered by the US Fish & Wildlife Service. These combined excise taxes and duties on the boating and fishing communities generate more than \$650 million annually and are apportioned back to the states as a critical funding pool to directly support a diverse set of important state and national recreational fishing and boating programs, including fisheries management, habitat conservation, recreational boating safety, vessel pump-out stations, water and boating access infrastructure programs, aquatic resource education programs, and angler and boater outreach. Based on the formula used - that is the number of licensed anglers and land area - your state's Federal Aid apportionment for 2011 was the 5th largest of all 50 states: \$12,032,815.

This user pay-user benefit program is the cornerstone of fisheries management in America. Anglers therefore have a vested interest in not just fishing, but sound fisheries management. That tournament anglers in Wisconsin should take a disproportionate amount of regulatory restriction that is not biologically justifiable simply is not right.

There are two issues for you to consider as you weigh the pros and cons of removing the no-culling restriction: is there scientific biological evidence that culling seriously harms bass populations, and what are the economic benefits forgone if Wisconsin continues to prohibit culling for bass tournaments?

First the biological discussion, because that really should be the driving force in decision-making – how it effects overall fisheries management. In a 2006 study of Tournament-Associated Mortality and the Effects of Culling in Wisconsin Black Bass Tournaments, it was concluded that culling does not significantly increase mortality at tournaments. In fact, culling appeared to have a lesser impact on bass tournament mortality when compared to the impacts of water temperature and the presence of Largemouth Bass Virus (LMBV). Studies as early as 1991 have concluded that even though tournament-associated mortality rates have varied from 0 to as much as 98%, in general tournaments have not been considered a major factor in reducing the size of fish populations since catch-and-release procedures were established (Schramm et al., 1991).

It is during these types of discussions that I like to remind folks that tournament anglers at the professional level, at least, always fish within existing state regulations and bag limits and that these bag limits permit licensed anglers to keep and kill their fish, which indeed Wisconsin anglers do to 33 million fish.

Therefore, trying to use a biological justification that has not been scientifically proven in an attempt to resolve the more probable social issues of opposition to tournaments in general, and of the stated Wisconsin Administrative Code (101(d) language that defines sportfishing as “a true amateur sport which combines the pleasures and skills of angling with wildlife and scenic enjoyment, contemplation and other subtle pleasures, not competition,” could be considered disingenuous at best. It also avoids the issue of regulating tournaments in logistical ways to minimize conflicts of tournament scheduling, the number of boats, methods to reduce ramp and parking crowding, etc.

The economic contributions of bass tournaments are substantial. For example, just recently, and because of the culling restriction, the decision was made to move the B.A.S.S. Federation Nation Northern Divisional (which includes anglers from 8 states and Italy) from Wisconsin to Iowa, at a loss of at least \$270,000.

The B.A.S.S. Director of Event Partnerships has told me that direct spending for B.A.S.S. Open tournaments results in \$700,000 – when calculated for direct/indirect and media spending, the total increases to \$1.5 to 2 million dollars for Open tournaments and the prestigious Bassmaster Elite Series tournaments. Statistics from the Syracuse, NY, Convention and Visitors Bureau calculate total direct/indirect and media spending to exceed \$3.3 million when an Elite or Open tournament is held there.

When I asked the Director of Event Partnerships if he would be able to schedule tournaments in Wisconsin if the culling restriction was lifted his response was “I could book a tournament tomorrow – cities are beating down my door.” In fact, he has a list of cities, including Oshkosh, who called just last week.

In a 1985 issue of “Fisheries” – the publication of the American Fisheries Society, Dr. Larry Nielson, former president of the Society, author of 3 textbooks on fisheries management, and professor of natural resources at North Carolina State, expounded on the various philosophies of managing competitive fishing, ranging from protectorism, to brokerism and rationalism, to pragmatism. I fear that Wisconsin’s fisheries managers may be locked in the philosophy of protectorism, where all competition is considered bad. While most fisheries managers as long ago as 1985 had accepted the biological innocence of bass tournaments, protectorists continue to raise new questions.

I’ll conclude with a 1979 quote from C.W. Churchman, with the US Fish and Wildlife Service at the time that Dr. Nielson referenced in his article: “We should manage so that the public will claim our ethic as their own, voluntarily, without regulation or enforcement. If we believe that competition compromises the fishing experience, we should work to change the attitudes and behaviors of anglers, rather than to change the laws regulating them.

The 2006 study of Public Awareness, Participation and Opinions of Fishing Tournaments in Wisconsin, conducted by the Wisconsin DNR's Bureau of Science Services offers results and conclusions that point the way to changing attitudes and behavior as well as the understanding of tournament anglers. If part of the issue is a perception that tournaments and tournament anglers are harming fishery resources that needs to change. One of the major findings of the study is that the results of the biological assessment of culling must be communicated to the public.

I am here to tell you that B.A.S.S. and the B.A.S.S. Federation Nation have the most vibrant conservation programs in all of freshwater tournament fishing. Our members, our professional anglers, our B.A.S.S. Tournament staff, and I pride ourselves on being ethical anglers and responsible stewards of the resource – way beyond catch-and-release and using state-of-the-art weigh-in and post-tournament release procedures. It's our culture.

Thank you for your time, and again, thank you for your proactive approach to sensible regulation of tournament fishing in Wisconsin.



Wisconsin Wildlife Federation

March 30, 2011

To: Assembly Natural Resources Committee
From: George Meyer, Executive Director, Wisconsin Wildlife Federation
Subject: Wisconsin Sportsmen and Women Strongly Oppose Culling In Fish Tournaments---Assembly Bill 35

Wisconsin sportsmen and women have repeatedly stated overwhelming opposition to fish tournaments being allowed to cull fish in Wisconsin. Normal fishing by all other Wisconsin anglers does not allow the culling of fish.

The issue of allowing culling during bass tournaments has been before the legislature in the past. In order to provide legislators information as to whether their constituents favor or oppose the culling of fish in tournaments, the Wisconsin Wildlife Federation conducted a statewide poll in 2004. That poll of Wisconsin fishermen showed very strong opposition to culling in fish tournaments.

The Federation asked this question in the poll:

'Wisconsin law now requires all anglers to decide AT THE TIME of catch whether to keep the catch or return the catch. Now, supporters of some fishing tournaments have asked the Legislature to allow exceptions for anglers in those tournaments to wait until AFTER THE TIME of catch to decide which catch to keep and which to return.

Do you favor or oppose allowing exceptions for anglers in some fishing tournaments to wait to decide which catch to keep and which to return?

Do you strongly (favor/oppose) this or just somewhat (favor/oppose) it?

18% Strongly favor
15% Somewhat favor
16% Somewhat oppose
45% Strongly oppose
7% Don't know/Refuse'

61% Oppose---33% Favor

The average Wisconsin angler disapproves of the practice of culling and believes that it is unfair for one group of anglers to be allowed to have special fishing regulations.

Later the Legislature asked the Department of Natural Resources to conduct research in regards to culling in fish tournaments. DNR did that research in 2007 including a further

survey of whether Wisconsin sportsmen and women favored or opposed culling in fish tournaments.

The question was asked of anglers: "Should culling in tournaments be allowed with and/or without live-well regulations. The results were:

General angler	Tournament angler	Total anglers
Allow culling without live-well regulations?		
Allow 6%	1%	5%
Unsure 11	5	10
Prohibit 83	94	85
Allow culling with live-well regulations?		
Allow 30%	38%	32%
Unsure 19	10	17
Prohibit 51	52	51

As we look at these survey results, please keep in mind that AB 35 as drafted does not require that bass tournament anglers use live wells when fishing in tournaments.

When asked the question whether culling should be allowed in tournaments without requirements for live wells, 85% of anglers opposed culling and strikingly 94% of tournament anglers opposed culling of fish in fish tournaments.

When the question was asked whether culling should be allowed in tournaments if live wells are required, there still was strong opposition to culling by both tournament and non-tournament anglers. Overall anglers opposed culling in fish tournaments 51% to 32% and even tournament anglers opposed culling in fish tournaments with live wells, 52% to 38%

Please represent the great majority of sportsmen and women in your district that oppose culling in fish tournaments with or without live wells.

Thank you for the opportunity to testify here today on behalf of the Wisconsin Wildlife Federation

Submitted by:

George Meyer
Executive Director
Wisconsin Wildlife Federation